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C O N F I D E N T I A L SECTION 01 OF 04 KUALA LUMPUR 001362

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STATE FOR EAP/MTS AND PRM
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SUBJECT: UNHCR OVERVIEW OF REFUGEE OPERATIONS IN MALAYSIA

Classified By: Classified By: Political Section Chief Mark D. Clark for
reasons 1.4 (b and d)

Summary

1. (C) The UNHCR Representative in Malaysia presented on August 23 a "confidential" briefing to diplomatic missions monitoring the status of refugees in Malaysia. After the Government of Malaysia (GOM) denied access to detention facilities earlier this year, the UNHCR regained limited access to five centers. The Immigration Department continues to raid refugee settlements and detain persons, including those with UNHCR cards. The UNHCR successfully intervened in stopping the court ordered caning of refugees and persons of concern in all but 30 cases so far this year. The UNHCR also intervened and gained the release of almost 1,100 persons from Malaysian Immigration detention. The UNHCR registers refugees at its compound and via mobile registration teams, which target vulnerable communities with high concentrations of women and children or those living in the jungle and lacking clean water. The UNHCR's refugee status determination processing in Malaysia is its largest worldwide. The UNHCR in Malaysia achieved the authorized annual quota for refugees resettled to the United States. The UNHCR is providing essential social services not otherwise available to refugees, including medical clinics and informal education. PRM provided funding for such assistance to five collaborating NGOs working with the UNHCR. Post continues to work closely with the UNHCR to facilitate refugee resettlement and improve refugee protection. End Summary.

2. (SBU) On August 23, Volker Turk, the UNHCR Representative in Malaysia, provided a "confidential" briefing to diplomatic missions monitoring refugees in Malaysia. Some 30 members of the diplomatic community attended, drawn primarily from EU countries as well as Australia. The US Regional Refugee Coordinator and Poloff represented the USG.

Access to Immigration Detention Centers and Prisons

3. (C) Earlier in 2007, the Government of Malaysia denied the UNHCR access to immigration detention centers (IDC) and prisons. However, the UNHCR managed to regain access in May 2007 though UNHCR is now restricted to visiting only registered refugees. (Comment: The Embassy supported UNHCR's role in a series of meetings with the GOM earlier in the year. End Comment.) Between January and July, the

UNHCR conducted 208 visits to prisons and IDCs, providing legal and social counseling to 2,989 persons of concern. Immigration began relocating UNHCR's persons of concern to the Ajil detention camp, in Terengganu, to facilitate access and follow up for refugee status determination and eventual resettlement processing. UNHCR also succeeded in convincing prison officials at Malaysia's largest prison, Sungai Buloh, to segregate UNHCR's persons of concern, about 310 persons, to their own area away from the prison's hardcore criminals. The UNHCR maintains a list of particularly vulnerable persons of concern detained by the GOM. UNHCR requested the release of some 150 people currently on the list, including women and children.

Recent Raids and Arrests

14. (SBU) Eight large raids by Immigration and the People's Volunteer Force (RELA) between January and July resulted in the arrest of 653 persons of concern. The largest raid, detaining 206 persons, occurred on June 25 in Kuala Lumpur. The UNHCR is aware of at least 220 detained Burmese Rohingyas, including 37 women and 42 minors. Ninety-nine percent hold either UNHCR ID cards or IMM-13 receipts (temporary work authorization cards that give legal status to otherwise illegal immigrants; the USG's Temporary Protected Status is the near equivalent). An August 5 raid in Kuala Lumpur detained whole families of from five to ten members. Although officials released some pregnant women and very young children, others remained detained, including an elderly woman with uterine cancer. Raid officials left emptied homes unsecured and vulnerable to looting. On the brighter side, Volker noted UNHCR efforts convinced the National Registration Department to issue a directive to one

KUALA LUMP 00001362 002 OF 004

of their divisions to stop arresting persons of concern who attempt to register their newborns. UNHCR checks subsequently confirmed that persons of concern now make newborn registrations without the threat of arrest or detention.

UNHCR Interventions

15. (C) The UNHCR intervened with GOM authorities in 1,824 court cases involving 1,196 refugees and persons of concern detained on immigration violations from January to July 2007. UNHCR provided legal aid, advice, and representation in those cases. In 1,108 cases, the UNHCR intervened to stop the caning of detained persons of concern and registered refugees. The UNHCR successfully mitigated caning in all but 30 cases, namely those in which UNHCR registration occurred after the persons' arrest. Authorities caned ten refugees during all of 2006. (Note: Caning is one punishment for illegal immigrants under Malaysian law. End Note.)

16. (C) An unofficial agreement between the UNHCR and the Inspector General of Police enabled the release of 727 persons from police custody. Another unofficial understanding between the UNHCR and the Attorney General led to the release of 64 persons from prison. Negotiations with the Immigration Department gained the release of 278 persons, including 124 accepted for resettlement, from various IDCs. (Comment: Both the IGP and the AG are close allies of the UNHCR and cooperate to increase refugee protection and provide a moderate voice to counter GOM immigration hardliners. The level of cooperation and assistance they provide to the UNHCR exceeds their mandate and they do so with some risk. In at least one instance, the AG expressed concern when an UN publication mistakenly publicized their close cooperation. End Comment.)

Registration of Refugees

17. (C) In 2007, the UNHCR began using mobile registrations to target refugee communities based on both ethnic proportionality and vulnerability. The UNHCR registered 7,644 asylum-seekers in the first seven months of 2007 using the targeted registration criteria, an average of more than 1,000 individuals registered per month. About 37 percent were women and five percent were children. The UNHCR also used information gathered during community mapping to assess appropriate follow-up interventions, including prioritized registration of vulnerable persons with special needs. Through mobile registration visits, the UNHCR reached vulnerable populations such as communities living in jungle settlements lacking water and sanitation facilities. The UNHCR also used mobile registration to target urban communities with higher numbers of women and unaccompanied children. The UNHCR conducted ten mobile registration operations in the first seven months and since June, mobile registration visits occur weekly.

Refugee Status Determination

18. (C) The Refugee Status Determination (RSD) operation in Kuala Lumpur is UNHCR's largest worldwide, both in caseload and decisions rendered annually. The main challenge facing the RSD team in Kuala Lumpur is reducing the backlog of asylum-seekers waiting for a decision on their refugee status. The backlog peaked in mid-2005 with 11,000 cases. By the end of 2006, the backlog stood at about 6,646 cases. The UNHCR also reduced the waiting period for RSD priority cases from 18 months to one month, all other cases range from three to nine months, depending on case complexity. Individual case processing time shortened from a four-month average to one month. For the first seven months of 2007, the UNHCR made 4,189 refugee status determinations involving 5,355 persons, an average of 765 per month with 90 percent from Burma. The backlog declined 35 percent since January 2007 from 6,646 cases to 4,307 cases at the end of July. Even with restricted access to prisons, the UNHCR conducted RSD interviews for 148 cases in detention centers.

UNHCR Malaysia Forms New Field Service Teams

KUALA LUMP 00001362 003 OF 004

19. (C) On May 21, the UNHCR in Malaysia formed a Field Service Team (FST) as part of their overall effort to strengthen UNHCR's community outreach. The FST is responsible for community liaison, community mapping, and individual assistance for persons of concern (including vulnerability assessments, financial assistance, medical assistance, shelter, etc.). Its immediate goals are twofold: to map refugee populations in Malaysia, an overall priority, and to renew and strengthen links with individual refugee groups. The FST is also looking at methods to streamline how the UNHCR records and disseminates information to refugee groups. Since its inception in May, the FST performed more than 15 outreach visits (including visits to the Rohingya community stressing community building and children's education) and conducts monthly meetings with community representatives from all Burmese ethnic minorities. Individual meetings with community representatives happen almost daily. Community mapping develops information on the location and population of persons of concern to the UNHCR in Malaysia. Community mapping, meeting with community representative, house visits, and vulnerability assessments are the main tools available to the UNHCR to gather and analyze information.

By the numbers: Refugee Resettlement

10. (SBU) As of the end of July 2007, the UNHCR in Malaysia submitted 6,536 persons (3,936 cases) to resettlement countries, achieving 78 percent of resettling countries total

quota of 6,800 submissions for 2007. Of those submitted, resettlement countries accepted 3,569 persons with 2,379 persons departing Malaysia. Burmese refugees represented 97 percent of the overall submissions. The UNHCR submitted 3,713 persons for resettlement to the United States in the first six months of 2007, about 82 percent of the targeted 4,500 submissions by September 2007. USG processing facilities on the UNHCR compound became operational in January 2007 and the UNHCR hosted five USCIS circuit rides to date. The Australian and New Zealand High Commissions also conduct year-round refugee processing from their compounds. The UNHCR hosted refugee-processing delegations from the Netherlands, New Zealand, and Sweden and succeeded in obtaining additional resettlement acceptances against the initial quota.

¶11. (C) The UNHCR developed a triage system to identify vulnerable cases needing priority processing. The largest representations of vulnerable groups are unaccompanied/separated children, survivors of torture and violence, and persons under Malaysian detention. There are about 1,714 persons identified both as vulnerable and suitable for resettlement. Approximately 644 persons (38 percent) are pending resettlement with 325 persons (19 percent) being finalized for "imminent submission."

Refugee Community Services

¶12. (SBU) Because Malaysian law does not distinguish refugees from illegal aliens, refugees are excluded from public services. Consequently, the UNHCR has expanded its role to include basic services often provided for by national governments. The UNHCR pursues relationships with various local and international NGOs who then collaborate with the UNHCR to assist refugees. PRM provided the Jesuit Refugee Service's local NGO, ACTS, with funding to conduct mobile health clinics to urban and remote jungle sites within the Klang Valley, Putrajaya, and Cameron Highlands. These clinics provided medical consultations for 1,704 patients during the first seven months of 2007. ACTS also used its own funds to provide regular clinics at two detention centers. The Taiwan Buddhist Tsu-Chi Foundation conducted ten clinics in urban settings. It also provides a monthly clinic for two detention centers. The Czech Republic's Embassy provided 20,000 USD to the UNHCR for the local NGO, Mercy Malaysia. Mercy Malaysia used the funding to operate clinics in locations not already serviced by other UNHCR partner NGOs.

¶13. (SBU) The UNHCR worked with ACTS and the local NGO, Women's Aid Organization (WAO), in recording incident reports, providing counseling, temporary shelter, and related social services to victims of sexual and gender-based

KUALA LUMP 00001362 004 OF 004

violence. As of the end of July, the UNHCR and WAO recorded 96 incident reports with 71 of the cases referred to the UNHCR for registration. The UNHCR and WAO did not refer cases to the police because of a lack of a witness protection scheme.

¶14. (SBU) About 450 refugee children aged between 4 - 15 years old currently attend informal schools, run by volunteers and NGOs, regularly from Monday - Friday at four locations; 49 percent are girls. The main topics taught are English and/or Malaysian, math, science, and life skills. The student/teacher ratio is 25:1. Each training center has at least three teachers and a mini resource library. Computer literacy is part of the curriculum beginning this year.

COMMENTS

¶15. (C) The UNHCR in Malaysia continues to carry out its

mandate in a sometimes very restrictive environment. GOM hardliners, particularly within Immigration, readily place obstacles in the path of the UNHCR, while UNHCR finds more supportive stances in the AGO and police. When Malaysian Immigration officials denied access to immigration and detentions centers and prisons, Turk quietly worked with GOM allies such as the IGP and AG to reestablish official and unofficial access. The Foreign Ministry also appears to recognize the value of UNHCR and the risks to Malaysia's international reputation of not accommodating at least some of UNHCR's mandate. PRM funding for medical and education programs for NGOs like ACTS helps expand services otherwise not available to refugee and asylum-seeking communities in Malaysia. The Embassy encourages the release of approximately 250,000 USD PRM funding for education and health assistance to needy Burmese refugees; Post understands this assistance is pending action at UNHCR headquarters in Geneva. Post continues to work closely with the UNHCR and Refcoord Bangkok to facilitate refugee resettlement and improve refugee protection in Malaysia.

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